

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:
RUDY V. BYRON, JR.
and MARITZA Y. BYRON,
Debtors.

Chapter 13
Case No. 15-21670-svk

ORDER APPROVING STIPULATION

The Court has reviewed the Stipulation filed on this 18th day of January, 2017, between the Debtors and Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Trustee for the Primestar – H Fund I Trust resolving the Motion for Relief from Stay and Abandonment as to 5134 Pine Tree Circle, Racine, Wisconsin 53402, (the “Property”). The Stipulation includes a “doomsday provision” for a payment that may be overdue by the time this Order becomes effective.

IT IS THEREFORE ORDERED: the Stipulation, which is attached to this order, is approved, and the parties are authorized to act in accordance with its terms.

IT IS FURTHER ORDERED: the Court will not enforce a “doomsday provision” (but

Attorney D. Alexander Martin
O'Dess and Associates, S.C.
1414 Underwood Avenue, Suite 403
Wauwatosa, WI 53213
(414)727-1591
(414)727-1590 fax

may enforce a letter renewal to which no objection was filed) for any post-petition payment defaults prior to the effective date of this Order. The effective date of this Order is 14 days after entry.

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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

In re:
RUDY V. BYRON, JR.
and MARITZA Y. BYRON,
Debtors.

Chapter 13
Case No. 15-21670-svk

STIPULATION ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND
ABANDONMENT OF WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN
ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE PRIMESTAR – H
FUND I TRUST

RE: PROPERTY LOCATED AT:
5134 Pine Tree Circle, Racine, Wisconsin 53402

Whereas, Debtors having filed an objection to the Motion for Relief from Automatic Stay and Abandonment of Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Trustee for the Primestar – H Fund I Trust (“Movant”); and,

Whereas, the parties having arrived at an agreement resolving the post-petition default set forth in the Motion;

Now, Therefore, It Is Hereby Stipulated and Agreed as follows:

TERMS:

1. That Debtors are due for the post-petition regular monthly payment for January 1, 2017 in the amount of \$3,112.74, total; less suspense funds of \$67.58; plus, \$650.00 for

Drafted by:

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attorneys' fees and \$176.00 for costs for the Motion for Relief. The Standing Trustee is authorized and directed to pay from funds of the estate a supplemental claim filed pursuant to an Order on this Stipulation.

2. That Movant is relieved of its duty pursuant to Rule 3002 to file and serve a notice of post-petition fees, expenses and charges included in this Stipulation.

3. That commencing with the January 1, 2017 payment, Debtors shall resume making regular post-petition mortgage payments directly to Movant when due. Until further notice, the monthly payment is \$3,112.74 and monthly payments shall be sent exclusively to: BSI Financial Services, 1425 Greenway Drive, Suite 400, Irving, Texas 75038.

4. That Movant is granted a doomsday provision on all heretofore tendered payments and on all payments from January 1, 2017, through June 1, 2017. That, if any previously tendered payments return insufficient funds or if Debtors for any reason fail to timely make any payment due beginning January 1, 2017, through June 1, 2017, upon the filing of a statement of default with notice to Debtors and counsel for Debtors, Movant shall be entitled to an order granting the relief requested in the original motion, including relief from automatic stay and abandonment.

5. That in the event Debtors fail to timely make any payment to Movant or breach any of the remaining terms and conditions of the note and mortgage, Movant may renew its Motion for Relief from Automatic Stay and Abandonment for the remainder of this case by letter

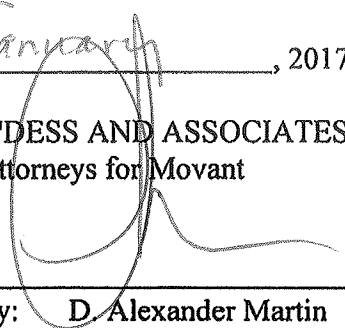
Drafted by:

O'Dess and Associates, S.C.
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(414) 727-1590 fax

request to the Court and without the need to pay an additional filing fee.


Dated this 18th day of January, 2017.

O'DESS AND ASSOCIATES, S.C.
Attorneys for Movant

By: 
D. Alexander Martin
State Bar ID No. 1046591

Dated this 17th day of January, 2017.

REED PETERSON & ASSOCIATES LLC
Attorneys for Debtor

By: 
Reed J. Peterson
State Bar ID No. 1022323

Dated this _____ day of _____, 2017.

NO OBJECTION:

Mary B. Grossman, State Bar ID No. 1030684
Robert W. Stack, State Bar ID No. 1033733
Sandra M. Baner, State ID No. 1018992
Christopher Schimke
Office of Chapter 13 Standing Trustee

request to the Court and without the need to pay an additional filing fee.

Dated this _____ day of _____, 2017.

O'DESS AND ASSOCIATES, S.C.
Attorneys for Movant

By: D. Alexander Martin
State Bar ID No. 1046591

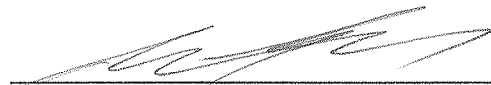
Dated this _____ day of _____, 2017.

REED PETERSON & ASSOCIATES LLC
Attorneys for Debtor

By: Reed J. Peterson
State Bar ID No. 1022323

Dated this 11th day of JANUARY, 2017.

NO OBJECTION:


Mary B. Grossman, State Bar ID No. 1030684
Robert W. Stack, State Bar ID No. 1033733
Sandra M. Baner, State ID No. 1018992
Christopher Schimke
Office of Chapter 13 Standing Trustee